

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL CLEMENT MANOSH,

Plaintiff,

v.

6:14-CV-1484
(GTS/ATB)

LILLIAN COOPER APARTMENTS
(LANDLORD),

Defendant.

APPEARANCES:

MICHAEL CLEMENT MANOSH

Plaintiff, *Pro Se*

1430 Sunset Avenue, Apt. 1

Utica, New York 13502

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in the above-captioned civil rights action filed *pro se* by Michael Clement Manosh (“Plaintiff”), is United States Magistrate Andrew T. Baxter’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) unless, within forty-five days of the date of the adoption of the Report-Recommendation, Plaintiff files an Amended Complaint that states a claim upon which relief can be granted. (Dkt. No. 4.) Plaintiff has not filed an objection to the Report-Recommendation and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes:

1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.).

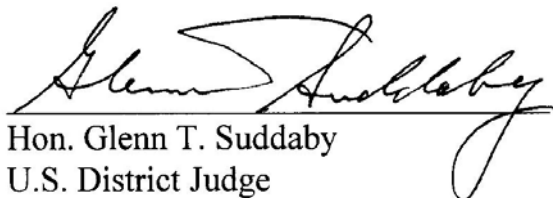
Here, based upon a careful review of this matter, the Court can find no clear error with Magistrate Judge Baxter’s Report-Recommendation. (Dkt. No. 4.) Magistrate Judge Baxter employed the proper legal standards, accurately recited the facts, and reasonably applied the law to those facts. (*Id.*) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (*Id.*) The Court would add only that Plaintiff’s Amended Complaint must be a complete pleading that will supersede his original Complaint in all respects (and thus may not incorporate any portion of his original Complaint by reference).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter’s Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff’s Complaint (Dkt. No. 1) shall be **DISMISSED** without further Order of this Court, unless within **FORTY-FIVE (45) DAYS** of the date of this Decision and Order, Plaintiff submits an Amended Complaint in accordance with Magistrate Judge Baxter’s Report-Recommendation and this Decision and Order.

Dated: January 23, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge